



[HF 671](#) – Court Interpreters, Costs (LSB1273HV)
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Fiscal Note Version – New

Description

[House File 671](#) relates to oral language interpreters and translators for limited-English proficient (LEP) persons and sign language interpreters for deaf and hard-of-hearing persons. The Bill provides for accommodations of an oral language interpreter and translator without cost to certain LEP persons in court-related proceedings as specified in the Bill.

The Bill provides that the State Court Administrator shall pay oral language interpreters and translators from the Jury and Witness Fee Revolving Fund when an LEP person is entitled to an oral language interpreter or a translator and the oral language interpreter services or translator services are not provided before an administrative agency.

Background

Under current law, one of several agencies¹ may pay for an oral language interpreter, depending on the case type and economic status of the person needing an interpreter, including:

- **State Public Defender**: Reviews and pays interpreter expenses for all of the public defender field office cases; cases in which there is a court-appointed attorney in juvenile, district court, and appellate cases; and cases where the attorney is privately retained but the court has found the defendant indigent and unable to pay the expenses necessary for a reasonable defense. Interpreter expenses are paid from the Indigent Defense Fund.
- **County**: Pays all sign language interpreters in court proceedings and oral language interpreters who assist LEP persons who are the subjects of mental health commitment proceedings.
- **State Court Administrator**: Pays interpreters appointed for LEP parties in all other cases. Interpreter expenses are paid from the Jury and Witness Fee Revolving Fund.

The State and the SPD and PD offices court administrator charges the oral language court interpreter fees back to the LEP party or parties.

The Bill would authorize the State Court Administrator to pay all oral language court interpreters and translators from the Jury and Witness Fee Revolving Fund established for payment of jury, witness, and court interpreter fees, without charging interpreter fees back to the LEP party or parties.

Assumptions

- The expense to the Indigent Defense Fund for interpreter fees was \$413,376 in FY 2017 and \$447,305 in FY 2018. The projected expense for FY 2019 is \$409,833. It is assumed the interpreter expense would remain at the approximate average of \$424,000 in future fiscal years.

¹ Executive Branch administrative agencies provide interpreters for LEP parties in administrative law proceedings, but they do not charge interpreter fees back to the LEP parties.

- In FY 2018, State Court Administration assessed \$254,800 and collected \$107,016 in interpreter fees. It is assumed that interpreter expenses would remain consistent in future fiscal years.

Fiscal Impact

[House File 671](#) is estimated to have several fiscal impacts, affecting the Indigent Defense Fund, Jury and Witness Fee Revolving Fund, and the General Fund.

HF 671 – Cost Adjustments Beginning in FY 2020

Fund	Impact to Fund
Indigent Defense Fund	\$ 424,000
Jury and Witness Fee Revolving Fund	\$ -424,000
General Fund	\$ -152,000

Indigent Defense Fund and Jury and Witness Fee Fund

[House File 671](#) is estimated to result in a cost shift from the Indigent Defense Fund to the Jury and Witness Fee Revolving Fund. Based on the average interpreter expenses to the Indigent Defense Fund, it is estimated there would be a cost reduction of approximately \$424,000 to the Fund. This cost would shift from the Indigent Defense Fund to the Jury and Witness Fee Revolving Fund. The Jury and Witness Fee Revolving Fund may require additional funding to be able to accommodate this cost shift. This Fund receives a General Fund appropriation of \$3.1 million each fiscal year.

General Fund

[House File 671](#) is estimated to have a negative fiscal impact to the General Fund due to the loss of fee revenue from court interpreter fees. Based on the actual collections on fees assessed by the State Public Defender and the State Court Administrator, the decrease in revenue is estimated to be approximately \$152,000.

Additional Costs

The Judicial Branch has indicated that [HF 671](#) may also result in the need for additional funding for the following:

- \$50,960 to pay interpreters for LEP parties participating in predisposition court-ordered programs. In order to comply with the United States Department of Justice guidelines for recipients of federal funding, the Judicial Branch recommends that the Iowa courts should cover the interpreter costs for LEP parties who participate in predisposition court-ordered programs. The State currently does not pay for interpreters in these programs.
- \$68,400 to fund one full-time equivalent employee in State court administration to manage court interpreter compensation for all oral language court interpreters. The Judicial Branch estimates the State Court Administrator will need one new staff position to manage all the court interpreter fee claims under this Bill.

Sources

Judicial Branch

Office of the State Public Defender

LSA calculations

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
